

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STEVEN L. SMITH,

Plaintiff,

ORDER

v.

7:17-CV-07028 (PMH)

MICHELLE LIOIDICE, et al.,

Defendants.

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On April 13, 2020, Plaintiff filed an Amended Complaint. (Doc. 44). By letter dated April 23, 2020, Plaintiff requested to further amend his Amended Complaint. (Doc. 45). Plaintiff's Amended Complaint does not comply with the Court's March 2, 2020 Order, which instructed Plaintiff that "Plaintiff's Amended Complaint will completely replace, not supplement, the original complaint, [and, therefore,] any facts or claims that Plaintiff wishes to remain must be included in the Amended Complaint." (*See* Doc. 38). Plaintiff's Amended Complaint and supplement do not allege or assert facts and claims, but instead include Plaintiff's purported arguments.

Therefore, the Court strikes ECF Nos. 44, 45 from the docket and grants Plaintiff thirty days from the date of this order to file a Second Amended Complaint. Defendants are instructed to mail a copy of this Order to Plaintiff and provide proof of service on the docket.

Plaintiff is again reminded that his Second Amended Complaint will completely replace his original complaint. Any claims that he wishes to remain must be realleged in his Amended Complaint. In his Amended Complaint, Plaintiff must provide the facts of his case, but he need not include legal arguments or references to cases.

In the statement of claim, Plaintiff must provide a short and plain statement of the relevant facts supporting each claim against each defendant named in the amended complaint.

Plaintiff is also directed to provide the addresses for any named defendants. To the greatest extent possible, Plaintiff's Second Amended Complaint must:


- a) give the names and titles of all relevant persons;
- b) describe all relevant events, stating the facts that support Plaintiff's case including what each defendant did or failed to do;
- c) give the dates and times of each relevant event or, if not known, the approximate date and time of each relevant event;
- d) give the location where each relevant event occurred;
- e) describe how each defendant's acts or omissions violated Plaintiff's rights and describe the injuries Plaintiff suffered; and
- f) state what relief Plaintiff seeks from the Court, such as money damages, injunctive relief, or declaratory relief.

Essentially, the body of Plaintiff's amended complaint must tell the Court: who violated his federally protected rights; what facts show that his federally protected rights were violated; when such violation occurred; where such violation occurred; and why Plaintiff is entitled to relief.

The Clerk is instructed to strike ECF Nos. 44 and 45.

Dated: New York, New York
May 5, 2020

SO ORDERED:



Philip M. Halpern
United States District Judge